

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PREMERA,

Plaintiff,

v.

LEXINGTON INSURANCE COMPANY, *et al.*,

Defendants.

Cause No. C17-0714RSL

ORDER

This matter comes before the Court on BCS Insurance Company's "Motion for Clarification and/or Reconsideration of the February 1, 2021 Order Lifting the Stay." The Court does not believe that clarification is necessary. As stated in the prior order, the Court did not determine whether Premera's notice of intent to lift the stay satisfied the letter of the Interim Agreement. Rather, Premera obtained the relief requested based solely on its representation to the undersigned that it had taken the steps necessary under paragraph 8 of the Interim Agreement to allow it to request to lift the stay. The essential step, as recited by Premera, was withdrawal from the Interim Agreement. Dkt. # 105 at 4, n.1.

Premera's statements to the Court were made in reply and were clearly designed to create the impression that it intended to withdraw from the Interim Agreement, that it had in fact withdrawn from the Agreement, and that defendants' contract-based objections lacked merit.

ORDER - 1

1 The Court accepted Premera's representation that it was authorized under the terms of its  
2 agreement to request that the stay be lifted. If that is not the case - if Premera did not intend to  
3 withdraw from the Interim Agreement and instead is still accepting the benefits of that  
4 Agreement - it shall so notify the Court and explain why reconsideration should not be granted.  
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7 The Clerk of Court is directed to renote BCS Insurance Company's motion for  
8 reconsideration (Dkt. # 111) on the Court's calendar for Friday, February 26, 2021. Premera's  
9 response, if any, is due on or before Wednesday, February 24, 2021. BCS Insurance Company's  
10 reply, if any, is due on or before the note date.  
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13 Dated this 19th day of February, 2021.

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15 Robert S. Lasnik  
16 United States District Judge  
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